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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )

Toll Free Service Access Codes )

CC Docket No. 95-155  
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COMMENTS OF THE COMPETITIVE  
TELECOMMUNICATIONS ASSOCIATION

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## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION . . . . .	1
II. THE COMMISSION SHOULD ACT PROMPTLY TO RESOLVE ISSUES RELEVANT TO THE INTRODUCTION OF TOLL-FREE NUMBERS USING THE 888 NPA . . . . .	3
A. RespOrgs Should Be Able to Reserve Toll-Free Numbers from the Database on a First-Come, First-Served Basis, Subject to the Requirement that an Identifiable Subscriber Be Associated with Each Request . . . . .	4
B. RespOrgs Should Not Have to Make a Deposit into Escrow to Reserve a Toll-Free Number . . . . .	7
C. The Commission Should Adopt Policies to Prevent Warehousing of Toll-Free Numbers . . . . .	9
D. The Commission Should Not Grant a Right of First Refusal to Subscribers Using Existing 800 Numbers . . . . .	12
III. THE COMMISSION SHOULD ENSURE THE EFFICIENT USE OF TOLL-FREE CODES IN THE FUTURE AND PLAN FOR THE INTRODUCTION OF FUTURE SERVICE ACCESS CODES . . . . .	14
A. The SMS/800 Database Should Be Administered by an Unaffiliated Third-Party, Which Will Make Information Available on Equal Terms to All Industry Participants . . . . .	15
B. Implementation of Additional Service Access Codes Should be Determined by the Neutral Administrator, and Could Proceed on a Six-Month Implementation Schedule . . . . .	16
C. There is No Need for a "Circuit Breaker" Mechanism on a Day-to-Day Basis, But the Commission Might Want to Consider Such a System During the Implementation of a New Service Access Code . . . . .	17

D.	The Commission's Proposals to Shorten the Time Periods that Numbers May Remain in Various Statuses in the SMS/800 System Are Reasonable . . . .	20
1.	The Commission Can Shorten Many Time Periods to Prevent Inefficient Use and/or Warehousing . . . . .	20
2.	The Commission May Shorten the Aging Process . . . . .	22
IV.	CONCLUSION . . . . .	22

## **SUMMARY**

Use of toll-free numbers has skyrocketed in the past five years, as carriers have introduced services to meet a variety of consumer needs. As a result, the "800) prefix is nearing exhaustion, and new toll free numbers beginning with the 888 prefix will be introduced shortly. The Commission has assumed a leadership role in ensuring that 800 numbers are not exhausted before the 888 implementation date, and the NPRM is a logical extension of that leadership to the broader issues affecting toll-free numbering code usage. CompTel supports the Commission's efforts, but urges it to give priority to those questions that will directly impact the forthcoming 888 implementation.

Allocation of the new 888 numbers is one such concern. CompTel strongly supports making new toll-free numbers available on a first-come, first-served basis, as long as an identifiable subscriber affirmatively requests a number before it is removed from the pool of available numbers. The Commission should not require escrow deposits from RespOrgs, or service providers, and should not grant any existing 800 subscribers a superior right to numbers using the 888 prefix.

CompTel agrees that the deliberate reservation of unneeded toll-free numbers -- warehousing -- violates Title II of the Communications Act, and the Commission should prohibit the practice. Warehousing should be clearly defined, however, as the removal of a number with knowledge or reason to know that no subscriber has affirmatively requested assignment of a number.

Regarding longer-term issues, CompTel supports administration of the SMS/800 database by an unaffiliated third party. Also, CompTel supports the Commission's proposal to require reports from the administrator regarding the utilization of available numbers. The administrator also should be responsible for determining when to implement a new toll-free code, which CompTel believes could be introduced on a six-month schedule. CompTel opposes a "circuit breaker" mechanism, except during the six-month time period needed to introduce a new toll-free code. The administrator should be instructed to evaluate potential circuit breaker mechanisms and to report to the FCC with a recommendation.

Finally, CompTel generally supports the Commission's proposals to reduce various "lag times" in the SMS/800 database system, but recommends that the Commission allow at least 45 days for subscribers to designate routing information for "reserved" numbers, and to consider the potential impact of its other proposals on subscriber interests.

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**COMMENTS OF THE COMPETITIVE  
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The Competitive Telecommunications Association ("CompTel"), by its attorney, respectfully submits these comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM") in this docket.<sup>1</sup>

**I. INTRODUCTION**

CompTel is the principal industry association for the nation's competitive interexchange industry, representing over 150 carrier members and their suppliers. Many CompTel members offer one or more services commonly referred to as "800" services or "inbound WATS" services. In addition, as the Commission notes, 800 service providers often also act as "Responsible Organizations" ("RespOrgs") for their customers. Thus, this NPRM directly affects CompTel and its membership.

Since their introduction in 1967, toll-free numbers have been identified by the "800" Numbering Plan Area ("NPA") code (sometimes also called a "Service Access Code" or "SAC") assigned to them, and are commonly referred to as 800 services. Use of these services

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<sup>1</sup> FCC-95-419 (rel. Oct. 5, 1995).

has skyrocketed in the last five years. 800 numbers are now staples of businesses, governments, and, increasingly, individual consumers as well. The most common applications for 800 service include catalogue shopping, hotel reservations, customer service for businesses, paging, residential "phone home" substitutes for operator services.<sup>2</sup> In recent years, 800 numbers also have been set up for limited duration purposes, such as to provide information regarding plane crashes or hurricane damage, to respond to questions concerning product recalls, or to collect tips about unsolved crimes. Callers and 800 subscribers alike have found 800 services highly desirable and highly useful.

The proliferation of uses for toll-free services has led to a concomitant increase in the demand for 800 numbers, to the point where the combination of available numbers beginning with the 800 NPA is nearly exhausted. As a result, the industry reserved a series of other NPA codes through which toll-free calling services could be offered. The first of these codes, 888, will be deployed in March of 1996.

The Commission has taken a lead role in overseeing the industry's introduction of 888 toll-free numbers. It acted quickly and responsibly beginning in early June to prevent the exhaustion of the remaining 800 number combinations before 888 numbers are available for assignment. CompTel has been a regular participant

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<sup>2</sup> Operator service providers ("OSPs") also use 800 numbers to provide "dial around" access to their interexchange networks. This "access code" usage of 800 services differs from the 800 applications described above, which are sometimes referred to as "subscriber 800" uses.

in the 888 implementation meetings held under the Commission's auspices, and it commends the Common Carrier Bureau for contributing greatly to an orderly transition period.

The NPRM is an extension of the Commission's leadership role in this area. It presents a number of detailed proposals aimed at ensuring the efficient allocation and use of the toll free numbering resource, and providing for the introduction of future toll-free numbers. Although numerous, these proposals may be grouped into two categories: (1) proposals to ensure a smooth introduction of the new 888 code (and subsequent codes), and (2) proposals designed to protect the long-term efficiency of the toll-free numbering resource. CompTel will address each of these groups of proposals separately.

**II. THE COMMISSION SHOULD ACT PROMPTLY TO RESOLVE  
ISSUES RELEVANT TO THE INTRODUCTION OF TOLL-FREE  
NUMBERS USING THE 888 NPA**

The issues of the most immediate importance are those that relate to a RespOrg's obligations in requesting numbers from the 800/888 database, and a subscriber's rights, if any, to an "analogue" to its 800 number(s). The Commission should place a priority on resolving these issues well in advance of the scheduled March 1, 1996 availability of 888 numbers. The longer-term issues, while also very important, should not delay the Commission's consideration of these threshold questions.



**A. RespOrgs Should Be Able to Reserve Toll-Free Numbers from the Database on a First-Come, First-Served Basis, Subject to the Requirement that an Identifiable Subscriber Be Associated with Each Request**

The first-come, first-served principle currently governs RespOrg requests for numbers from the SMS/800 database.<sup>3</sup> CompTel supports the application of this system to requests for 888 numbers after they become available. First-come, first-served is a fair method of allocating numbers from the database, and is a method frequently used in telecommunications numbering contexts. Moreover, there is no evidence of any abuses of this system in an environment where available toll-free numbers are plentiful.<sup>4</sup>

Neither of the alternatives suggested by the Commission would produce a fairer allocation of toll-free numbers. Dispute resolution seems unfit for this purpose because it is not clear what incentive two entities might have to resolve the dispute, especially given that the entities may have no previous arrangement between them and no reasonable prospect of future relations. Nor is it clear, even if the incentive exists, what common ground the parties may have on which to reach an amicable settlement. Therefore, CompTel expects that a dispute resolution process would only add cost and delay to the numbering process, without

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<sup>3</sup> Industry Guidelines for 800 Number Administration, § 2.3.1. (June 8, 1995).

<sup>4</sup> When the pool of available 800 numbers was nearing depletion, by contrast, some carriers were alleged to have been reserving for future use large quantities of numbers they did not need at that time.

substantially increasing the likelihood of a mutually-acceptable resolution of the number request.

The second proposed alternative -- a lottery -- also is undesirable. Assignment based upon a lottery has in the past been an invitation for abuse.<sup>5</sup> There does not appear to be any disincentive for similar behavior in this context. For example, for any lottery process to differ from a first-come, first-served allocation, there probably would be a notice period during which other interested parties may submit their own request for a particular toll-free number. The alternative proposal does not contain any mechanism to prevent would-be speculators from simply submitting a competing request, even if they do not have a bona fide interest in using the number. Moreover, an anti-abuse mechanism, although essential to any lottery proposal, would be difficult to develop, and perhaps even more difficult to enforce. For these reasons, the first-come, first-served principle is the best mechanism for allocating new numbers using the 888 NPA.

CompTel supports some limits on a RespOrg's ability to request numbers, however. Specifically, CompTel supports the proposal that a RespOrg have an identifiable subscriber before submitting a

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<sup>5</sup> See, e.g., Amendment of Party 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fused Service, 10 FCC Rcd 9589, 9758 (Hundt, Chairman, dissenting in part) ("Lotteries engendered rampant speculation, **undermined** the integrity of the FCC's licensing process and, most importantly, frequently resulted in unqualified persons winning an FCC license") (quoting H.R. Req. No. 111, 103d Cong. 1st Sess., at 248 (1993)).

request for assignment or reservation of a toll-free number.<sup>6</sup> Toll-free numbers are a national resource, and they should remain available to all until an identifiable subscriber requests the number. First-come, first-served contains the implicit premise that the one who is first be one who is ready to use the number. Therefore, the Commission should not allow a RespOrg to request a particular number on the hope that it later will locate a subscriber wishing to use it. Instead, a number should remain in the available pool until an identifiable subscriber requests it.

The Commission should be careful to preserve RespOrg flexibility in obtaining an affirmative request from a subscriber for a toll-free number. It would be unnecessary to require, for example, that all requests be in writing before a RespOrg may submit its request to the SMS/800 database. Instead, the Commission should allow the RespOrg flexibility to obtain authorization in any manner, but could, as with primary interexchange carrier (PIC) changes, afford conclusive significance to written requests in the event of a dispute. This would allow RespOrgs to obtain customer requests over the telephone, submit a request for the number immediately, and to confirm the request with a written order form shortly thereafter.<sup>7</sup>

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<sup>6</sup> See NPRM at ¶ 13.

<sup>7</sup> In addition, CompTel does not believe RespOrgs should be required to retain number requests for two-years. If there is a dispute regarding the legitimacy of a particular request, it is likely to arise in close proximity to the date it was submitted. Further, from an enforcement perspective, the Commission's forfeiture authority extends

(continued...)

**B. RespOrgs Should Not Have to Make a Deposit into Escrow to Reserve a Toll-Free Number**

The first few months of 888 number availability is likely to spark the largest volume of requests for numbers from the database. It is during this time that the Commission should be most concerned that numbers are not wasted. However, CompTel opposes the proposal to require a RespOrg or a service provider to make a one-time deposit into an escrow account for each toll-free number it reserves from the SMS/800 database.<sup>8</sup> There is no demonstrated need for such a requirement, it likely would be ineffective in achieving its goal, and it could present a significant barrier to entry in toll-free services.

The stated reason for an escrow requirement is "to encourage a more efficient use of toll free numbers."<sup>9</sup> However, as the Commission notes, monthly database charges to RespOrgs plus monthly service charges to subscribers already provide market incentives to use toll-free resources efficiently.<sup>10</sup> There is no evidence to support the NPRM's speculation that toll-free numbers may not be being used efficiently. Absent such evidence, there is no

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<sup>7</sup>(...continued)  
only to incidents occurring within one year of the forfeiture. See 47 U.S.C. § 503(b). Accordingly, a two-year requirement exceeds that which would be necessary to carry out the Commission's responsibilities. CompTel recommends that RespOrgs be required to maintain records of subscriber requests for a period of no more than one year.

<sup>8</sup> NPRM at ¶ 14.

<sup>9</sup> Id.

<sup>10</sup> Id.

justification for imposing an additional charge on the use of a toll-free number.

It is important for the Commission to recognize that the issue of warehousing of toll-free numbers is separate from the issue of their efficient use. Warehousing relates to the practice of inefficiently removing from the database numbers that will not be used. The escrow requirement, as CompTel understands it, appears to be intended to discourage inefficient usage of a number which is in working status. Although an escrow requirement may have some indirect effect on the warehousing of non-working numbers, CompTel believes that warehousing (which is discussed in the next section) should be dealt with directly by the Commission.

Moreover, the NPRM is silent on the critical issue of how much the proposed escrow deposit would be. For the escrow requirement to have a material effect on the decisions made by RespOrgs, it would have to be a significant amount per reserved number. Yet such an amount could, in all likelihood, be paid by the larger RespOrgs and/or service providers with little or no revenue impact on their operations. The escrow would be a cost of doing business, much like the Commission's regulatory fees, but once the escrow amount had been paid for a pool of reserved numbers, it would have little or no effect on the large carrier's decision whether to reserve particular toll-free numbers from the database. For other carriers, however, a significant escrow imposes a barrier to entry in the toll-free market. The escrow increases the capital requirements of the RespOrg, and, if the amount is set high enough,

may preclude entry altogether. Therefore, the Commission should not require an escrow payment from RespOrgs for each toll-free number reserved from the SMS/800 database.

If the Commission decides to ignore the inadequacies and potential barriers of the escrow approach, several minimum requirements are necessary. First, an escrow requirement should apply only after a RespOrg has reserved a specified threshold of toll-free numbers. RespOrgs below the threshold should not be required to make an escrow deposit. In addition, the escrow requirement should be limited in duration, and end as quickly as possible. It should apply only to the initial few months of the availability of 888 numbers, and should end no later than six months after the 888 numbers become available.

**C.    The Commission Should Adopt Policies  
to Prevent Warehousing of Toll-Free  
Numbers**

One of the primary concerns of many over the summer was that the supply of 800 numbers was being depleted because some carriers were reserving more numbers than were necessary to serve their subscribers. This practice is colloquially referred to as "warehousing" of numbers. The NPRM proposes to formalize the definition of warehousing and to declare the practice a violation of Section 201 of the Communications Act.<sup>11</sup>

CompTel agrees with the Commission's conclusion that "warehousing" is an unreasonable practice prohibited by Section 201

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<sup>11</sup>     NPRM at ¶¶ 32-34.

of the Communications Act. "Warehousing" results in the premature removal of a telephone number from the pool available to provide telecommunications services. Since the telephone numbering resource is a finite resource, this action deprives other entities of access to that particular number for their own uses. As such, it is contrary to the Commission's statutory directive to "make available, so far as possible, . . . a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges . . . ." <sup>12</sup> This, in turn, makes the practice itself unreasonable under Section 201 of the Communications Act.

The Commission should develop a more precise definition of "warehousing" than is provided in the NPRM, however. CompTel believes that "warehousing" should be defined as follows:

"Warehousing" shall mean the reservation and/or assignment of a telephone number from a numbering resource database with knowledge or with reason to know that no identifiable subscriber has affirmatively requested such number from the entity prior to reservation and/or assignment.

Warehousing should be applied to both the reservation and assignment of a number to clarify that the practice applies to any action which removes a number from the available pool of numbers. Second, a knowledge or constructive knowledge standard is necessary because, as now happens with changes in presubscribed long distance service providers, inadvertent errors will be made. For example, a RespOrg may believe a subscriber has requested service when in fact

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<sup>12</sup> 47 U.S.C. § 151.

he has not, or it may change a number to "assigned" status not knowing that, in fact, a subscriber has changed its mind and no longer wants a number which has been "reserved." Third, the definition should incorporate the Commission's affirmative request requirement for reserving numbers from the database. The affirmative request requirement is an anti-warehousing provision, and it should be recognized as such.

"Warehousing" should not be defined based upon the total of reserved numbers by a carrier. The fact that a certain quantity of numbers has been reserved does not, by itself, create a presumption that the carrier is warehousing numbers. RespOrgs or service providers with a large quantity of working numbers typically have a large quantity of reserved numbers also. Conversely, the "warehousing" of a small number of toll-free numbers is equally offensive to the Communication Act's policies as the "warehousing" of a large volume of numbers. Thus, while CompTel supports reasonable limits on how many toll-free numbers a RespOrg may reserve,<sup>13</sup> these limits should not themselves define "warehousing."

"Warehousing" also should not be defined with reference to the amount of usage a subscriber makes of the toll-free number, and RespOrgs should not be required to certify to the Commission that its subscribers actually use the numbers they request. Not only does such a requirement rest on the false assumption that lower-

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<sup>13</sup> As explained in Section III(D)(I), *infra*, CompTel can support capping reserved numbers at some point below 15 percent of a carrier's active numbers, but it believes a 3 percent standard is far too low.



volume uses are less valuable than higher-volume uses, but a definition of warehousing based upon subscriber usage would place the RespOrg (or the service provider in the undesirable position of targeting low-volume uses for extra scrutiny.

**D.    The Commission Should Not Grant a Right of First Refusal to Subscribers Using Existing 800 Numbers**

The second set of issues requiring priority attention by the Commission concern a subscriber's right, if any, to "analogues" of its existing 800 numbers. The NPRM seeks comment on whether subscribers with "vanity" 800 numbers should be permitted a right of first refusal over equivalent 888 numbers.<sup>14</sup>

CompTel opposes this proposal because subscribers do not have ownership rights to 800 numbers, and the Commission should not grant quasi-ownership rights to them.<sup>15</sup> A right of first refusal grants a subscriber a superior right to use a particular number, and therefore is in the nature of an ownership interest (albeit limited) in that number. The Commission cites no compelling policy

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<sup>14</sup> NPRM at ¶ 41. A "vanity number" is defined as "a telephone number for which the letters associated with the number's digits on a telephone handset spell a name or word of value to the number holder." *Id.* at ¶ 35.

<sup>15</sup> The Commission has clearly held that subscribers to toll-free numbers do not have an ownership interest in that number. See, e.g., Administration of the North American Numbering Plan, Report and Order, FCC 95-283 (rel. July 13, 1995); The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 59 Rad. Reg. 2d (P&F) 1275, 1284 (1986).

reason for departing from its policy that telephone numbers are a national resource, not the subscriber's private domain.

Moreover, there is no need to protect subscribers of 800 numbers. Under a first-come, first-served allocation method, existing 800 subscribers would have an equal chance to obtain an 888 equivalent if they so desire. Also, as the Commission notes, trademark law (and possibly state unfair competition laws) can protect a subscriber from confusing uses of a similar toll-free number.<sup>16</sup> Although trademark protection may appear limited at this time, it is important to note that the issues are of relatively recent origin and the body of cases is small. The Commission should not act to hinder the development of the law in this area.<sup>17</sup>

If, nonetheless, the Commission decides to provide a right of first refusal, CompTel suggests that the right must be limited in several respects. First, the right should apply only during a brief interval (perhaps 45 days) before new numbers are available for reservation in the SMS/800 database. Second, the right should apply to all 800 subscribers, since there is no definition of "vanity" numbers that will address all situations where a subscriber has devoted significant resources to promote a number, or assigns a subjective value to its current number. The only

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<sup>16</sup> NPRM at ¶ 39.

<sup>17</sup> CompTel also opposes the proposal (NPRM at ¶ 44-45) to prohibit providers in the same "Standard Industrial Classification" from obtaining numbers "equivalent" to those already used by another provider. This proposal would be difficult, if not impossible, to apply to conglomerate corporations.

practical (and fair) course of action is to allow a "first right" to all existing users. Third, the right must expire at the end of the brief interval, and be forfeited if it is not used. Finally, exercise of the right must be accompanied by a significant disincentive -- in the form of a substantial one-time charge, and/or additional monthly surcharges -- to the exercise of the right. Otherwise, the new numbers could be substantially depleted by a large percentage of subscribers duplicating their existing numbers in the new NPA.

**III. THE COMMISSION SHOULD ENSURE THE EFFICIENT  
USE OF TOLL-FREE CODES IN THE FUTURE AND  
PLAN FOR THE INTRODUCTION OF FUTURE SERVICE  
ACCESS CODES**

The proposals described above present issues that relate directly to the upcoming introduction of 888 numbers in the SMS/800 database, and therefore require priority attention by the Commission. However, as the Commission notes, it also has a role in ensuring that the toll-free numbering resource is used efficiently, and in planning for the introduction of additional service access codes when available numbers become scarce. In this section, CompTel discusses those issues it believes are of more long-term importance to toll-free services.

**A.    The SMS/800 Database Should Be Administered  
by an Unaffiliated Third-Party, Which Will Make  
Information Available on Equal Terms to All  
Industry Participants**

The SMS/800 database currently is administered by a subsidiary of Bellcore, which, in turn, is wholly-owned by the seven Regional Bell Operating Companies ("RBOCs"). Although Bellcore has pledged to ensure the neutrality of its system administration, the best long term plan is to have the system administered by a neutral, third party which is not owned, affiliated with, or dominated by a particular industry participant or group. Accordingly, CompTel supports the proposal to require the SMS/800 database to be managed by an unaffiliated third party.<sup>18</sup> Before assigning these functions to any particular administrator, however, the Commission should ensure that the candidate is in fact neutral and, if the administrator is a collection of industry representatives, should ensure that its membership is adequately balanced so as not to favor any particular group, in viewpoint or numbers.

CompTel also agrees that the SMS/800 database administrator should make more information available to the industry regarding the utilization of toll-free numbers, and the potential for exhaustion of numbers. Accordingly, CompTel supports the Commission's proposed reports regarding the quantity of numbers in available or working status, the rate of consumption of numbers, and the estimated exhaust date of the current numbers.<sup>19</sup> This

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<sup>18</sup>    See NPRM at ¶ 49.

<sup>19</sup>    Id.    NPRM at ¶ 31.

information, and any other information supplied by the database administrator, should be made available to all parties on equal terms and conditions.

**B. Implementation of Additional Service Access Codes Should be Determined by the Neutral Administrator, and Could Proceed on a Six-Month Implementation Schedule**

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One of the tasks of the neutral administrator should be to ensure that an adequate pool of available numbers exists to meet the industry's toll-free numbering needs. Part of this task will be to determine when a new service access code is necessary to increase the pool of available numbers. CompTel supports permitting the neutral administrator to adopt guidelines specifying when a new code will be made available.

The Commission should not specify what the trigger for implementation should be, however. Rather, it should allow the neutral administrator to meet with the industry to decide on an appropriate mechanism for determining when a new code is needed. The administrator should be required to file a notice with the Common Carrier Bureau specifying this mechanism once it has been determined.

CompTel also supports a six-month implementation target, once the need for a new service access code is determined. CompTel is not aware of any impediments from a carrier's perspective which would prevent implementation of new toll-free codes on a six month

schedule. In addition, six months should be sufficient time for switch vendors to provide software upgrades to service providers.

**C. There is No Need for a "Circuit Breaker" Mechanism on a Day-to-Day Basis, But the Commission Might Want to Consider Such a System During the Implementation of a New Service Access Code**

The Commission asks for comment on several mechanisms to prevent over-consumption of toll-free numbers during a short period of time.<sup>20</sup> These proposals, which the Commission has dubbed "circuit breaker" proposals are based upon computerized trading systems, which soften the impact of volatile markets by suspending trading for brief periods of abnormally high volume activity. The Commission tentatively concludes that a circuit breaker will serve the public interest, but asks for comment on what the model should look like and when it should apply. In particular, the Commission asks for comment on whether a circuit breaker should apply to the day-to-day operations of the SMS/800 system or whether it should apply only when a specified trigger, such as the announcement of a new service access code, occurs.

CompTel opposes application of a circuit breaker model on a day-to-day basis. There is no evidence that, except when the existing pool of 800 numbers was approaching depletion, the rate of consumption of numbers presented any problems in the industry. Indeed, as long as there are adequate alternative numbers available, the rate of consumption of numbers should not adversely

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<sup>20</sup> NPRM at ¶¶ 51-55.

affect service providers or toll-free subscribers. New customers could always obtain additional numbers, and, the availability of "vanity" numbers is limited only by the subscriber's creativity in selecting numbers (800-NEW-BEDS instead of 800-MATTRESS, for example). Thus, the Commission should not apply a circuit breaker model on a day-to-day basis.<sup>21</sup>

However, when the depletion of available codes approaches, some rationing of the remaining numbers may be necessary to prevent depletion before a relief code is made available for assignment. Therefore, CompTel does not oppose a reasonable circuit breaker applied during an implementation period pending the introduction of a relief toll-free code. Such a circuit breaker should be triggered at the same time that the announcement that a new code will be implemented, and it should apply only until that code is made available for assignment.

CompTel cannot support either of the proposed circuit breaker models, however. The Commission's proposal to base each carrier's maximum consumption on its average weekly consumption rate for the previous year (§ 51) would penalize carriers experiencing growth by freezing their consumption at a rate below their current needs. Moreover, this proposal does not allow for the adjustment of consumption maximums in any circumstance, nor does it specify how new (or recent) entrants would be treated under the system.

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<sup>21</sup> If a limit on the number of transactions is necessary to maintain system integrity, on the other hand, CompTel would support a circuit breaker to ensure the limit is not exceeded. There has been no suggestion to date that system integrity is a concern, however.

Similarly, the proposal to base the maximum consumption amount on the entity's five highest usage dates for the previous month, times three, could easily be manipulated. To illustrate, the carrier in the Commission's example (§ 55) took a total of 1,800 numbers during the previous month. If those requests were relatively evenly divided, as in the Commission's example, its average consumption for the five highest days is 140 and it could take a maximum of 420 numbers in a single day. If the carrier had saved its requests and made them all on five days, however, its average consumption would be 360 numbers per day, and the Commission's proposal would permit the entity to request up to 1,080 numbers in a single day (two and a half times the average the Commission's example would yield). Thus, at a minimum, any model based upon peak requests should take a sufficiently large sample so as to prevent a RespOrg from manipulating its requests in anticipation of an announcement introducing a new SAC, so as to maximize its ability to request numbers during the circuit breaker period.

CompTel believes that a better approach would be to require the neutral administrator to study the circuit breaker concept and to report back to the Commission with a recommendation. Then, the Commission could seek public comment on the proposals and select a circuit breaker that best meets the Commission's objectives.



**D.    The Commission's Proposals to Shorten the Time  
Periods that Numbers May Remain in Various  
Statuses in the SMS/800 System Are Reasonable**

The NPRM also suggests several proposals to shorten the time during which a number may be classified in various categories, such as "reserved" or "suspended," in the SMS/800 system. The proposals are aimed at two distinct issues: (1) discouraging inefficient use and/or warehousing, or (2) providing for a speedy "recycling" (or "aging") of numbers once they have been disconnected. CompTel discusses each issue separately.

**1.    The Commission Can Shorten Many Time  
Periods to Prevent Inefficient Use  
and/or Warehousing**

The following proposals would discourage inefficiency and/or prevent warehousing by RespOrgs: (1) reducing the time a number may be in "reserve" status from 60 days to 45 or 30 days (§ 18); (2) reducing the time a number may be in "assigned" status (but not working) from 12 months to 4 months (§ 18); (3) reducing the time a number may be "suspended" from working status, but not reactivated, from 12 months to 4 months (§ 19); and (4) reducing the quantity of numbers that a RespOrg may reserve from 15 percent of its working numbers to 3 percent.

CompTel supports some reduction in the time a number may be reserved, but believes that at least 45 days must be permitted. A shorter time period would make it very difficult for start-up businesses, for example, to select terminating locations for toll-free numbers and to make other necessary arrangements before